

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PETER JOHN ENGLER,	)	4:07CV3204
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
DENNIS BAKEWELL, Warden,	)	
	)	
Respondent.	)	

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, an application to proceed in forma pauperis, and a copy of his institutional trust account statement. (Filing Nos. 1-3.)

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. 28 U.S.C. § 1914(a). However, pursuant to 28 U.S.C. § 1915(a)(1)-(2), and after considering the petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and the petitioner is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that:

The application to proceed in forma pauperis (filing no. 2) is provisionally granted and the petitioner will not be required to pay the \$5.00 fee at this time.

October 9, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge